UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,775	03/31/2004	Robert R. Cutlip	RSW920030182US1	8304

25260 . 7590 11/06/2006		EXAMINER	
MARCIA L. DOUBET		AHN, SANGWOO	
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KISSIMMEE, FL 34742	ART UNIT	PAPER NUMBER
	2166	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/814,775	CUTLIP ET AL.
	Examiner	Art Unit	
	Sangwoo Ahn	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 March 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19* is/are rejected.

7) ☒ Claim(s) *19* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *31 March 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date *033/2004 020/2006*

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 19 is objected to because of the following informalities:

Claim 19 recites "computer-readable media" in lines 2 – 3. Examiner respectfully

suggests Applicant to change this to "computer-usable storage media" to be consistent

with how it is defined in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. For a system or an apparatus or a machine to

be a physical object, at least one recited element must be hardware. If all elements

would have been reasonably interpreted in light of the disclosure by one of ordinary skill

as software alone, the claim is directed to software *per se* and is non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Number 6,804,714 issued to Venkat Ranga Teddy Tummalapalli (hereinafter

"Tumma").

Regarding claim 1, Tumma discloses,

A method of using geospatial operations to analyze a service level management

system ("SLMS"), comprising steps of:

collecting a plurality of measurements pertaining to the SLMS (column 3 lines 55

– 56, et seq.);

constructing geospatial objects from the collected measurements (column3 lines

57 – 58, et seq.); and

using the constructed objects as input to geospatial operations (column 5 lines

11 – 13, et seq.).

Regarding claim 2, Tumma discloses,

the geospatial operations are provided by a spatially-enabled database system

(column 7 lines 57 – 58, et seq.).

Regarding claim 3, Tumma discloses,

the constructed objects include 2-dimensional planes (column 7 lines 31 – 33, et

seq.).

Regarding claim 4, Tumma discloses,

the constructed objects include 3-dimensional planes (column 7 lines 31 – 33, et

seq.).

Regarding claim 5, Tumma discloses,

A method of using spatially-enabled operations to evaluate 3-dimensional

objects, comprising steps of:

collecting a plurality of measurements (column 6 lines 66 – 67, et seq.);

building a plurality of 2-dimensional planes by associating selected ones of the

measurements (column 7 lines 31 – 36, et seq.);

building one or more 3-dimensional cubes from a plurality of the 2-dimensional

planes (column 7 lines 31 – 36, et seq.); and

enabling evaluation of at least one of the one or more 3-dimensional cubes using

geospatial operations of a spatially-enabled system (column 7 lines 56 – 65, column 13

lines 66 – 67, et seq.).

Regarding claim 6, Tumma discloses,

the measurements pertain to business processes (Figure 5A, et seq.).

Regarding claim 7, Tumma discloses,

the measurements are stored in the spatially-enabled system (column 7 lines 56

– 65, et seq.).

Regarding claim 8, Tumma discloses,

the 2-dimensional planes are stored in the spatially-enabled system (column 7

lines 31 – 33, et seq.).

Regarding claim 9, Tumma discloses,

the measurements measure interactions among business partners (Figure 5a,

column 13 scenario 8, et seq.).

Regarding claim 10, Tumma discloses,

the measurements are collected by a plurality of probes (column 6 lines 66 – 67,

et seq.).

Regarding claim 11, Tumma discloses,

drilling down from an evaluated cube to evaluate one or more of the planes from

which it was built (column 3 lines 64 – 67, et seq.).

Regarding claim 12, Tumma discloses,

evaluating at least one of the 2-dimensional planes using geospatial operations

of the spatially-enabled system (column 7 lines 31 – 36, et seq.).

Regarding claim 13, Tumma discloses,

drilling down from an evaluated plane to evaluate one or more of the

measurements from which it was built (column 3 lines 64 – 67, column 7 lines 37 – 48,

et seq.).

Regarding claim 14, Tumma discloses,

each cube represents measurements for a plurality of service offerings in a

service level management system (column 12 lines 49 – 53, column 13 lines 57 – 67, et

seq.).

Regarding claim 15, Tumma discloses,

. each plane represents measurements for a plurality of collaborations among

entities in a service level management system (column 7 lines 30 – 55, et seq.).

Regarding claim 16, Tumma discloses,

each measurement represents a key process indicator used to measure service

in a service level management system (column 7 lines 30 – 55, et seq.).

Regarding claim 17, Tumma discloses,

the measurements are directed to evaluating conformance to service level

agreements in a service level management system (column 12 lines 49 – 53, column 13

lines 12 – 13; 57 – 67, et seq.).

Regarding claim 18, Tumma discloses,

A system for using geospatial operations to analyze a service level management

system ("SLMS"), comprising:

means for collecting a plurality of measurements pertaining to the SLMS (column

3 lines 55 – 56, et seq.);

means for constructing geospatial objects from the collected measurements

(column3 lines 57 – 58, et seq.); and

means for using the constructed objects as input to geospatial operations,

wherein the geospatial operations are provided by a spatially-enabled database system

and the constructed objects include 2-dimensional planes and 3-dimensional cubes

(column 5 lines 11 – 13, column 7 lines 31 – 33, et seq.).

Regarding claim 19, Tumma discloses,

A computer program product for using spatially-enabled operations to evaluate 3-

dimensional objects, the computer program product embodied on one or more

computer-readable media and comprising:

computer-readable program code means for obtaining a plurality of

measurements (column 3 lines 55 – 56, et seq.);

computer-readable program code means for building a plurality of 2-dimensional

planes by associating selected ones of the measurements (column3 lines 57 – 58,

column 5 lines 11 – 13, column 7 lines 31 – 33, et seq.);

computer-readable program code means for building one or more 3-dimensional

cubes from a plurality of the 2-dimensional planes (column3 lines 57 – 58, column 5

lines 11 – 13, column 7 lines 31 – 33, et seq.); and

computer-readable program code means for enabling evaluation of at least one

of the one or more 3-dimensional cubes using geospatial operations of a spatially-

enabled system (column 7 lines 56 – 65, column 13 lines 66 – 67, et seq.).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 6,457,143 issued to Po Cheung Yue discloses system and method for automatic identification of bottlenecks in a network.

U.S. Patent Number 6,914,883 issued to Sudheer Dharanikota discloses QOS monitoring system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Sangwoo Ahn
Patent Examiner
AU 2166

10/31/2006 SW

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER